THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.19086 of 2006

15.9.2006

Between:

Chappa Madhusudhanam, S/o.Satyam

... Petitioner

AND

The Sub-Registrar, Beemunipatnam, Visakhapatnam District

... Respondent

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.19086 of 2006

ORDER:

The petitioner is statedly purchased the land admeasuring Ac.4.56 in survey No.76/5 situated at Gudivolu Village of Anandapuram Mandal in Visakhapatnam District from Kum.H.I.Vellis, an Ex-servicewoman. The said land was assigned land. The petitioner presented the sale deed before the respondent for registration. Though the sale deed was presented on 09.12.2005, except numbering the document as Doc.No.P519/2005, the respondent did not register the same. The reason given by the respondent is that he sought clarification from the Mandal Revenue Officer, Anandapuram Mandal (MRO), about the genuineness of assignment patta, which is pending. Alleging that the action of the respondent in not registering the document placed before him as illegal and arbitrary, the present writ petition is filed.

Heard learned Counsel for the petitioner and learned Assistant Government Pleader for Revenue (General). It is no doubt true that when a document is presented, it is incumbent on the part of the Registering Officer, to examine the same with reference to Sections 31 and 36 of the Registration Act, 1908 (the Act, for brevity) and/or Rules 26 and 58 of the Andhra Pradesh Rules under the Act. This aspect of the matter was considered by my learned brother Hon'ble Sri Justice A.Gopal Reddy in W.P.No.15199 of 2004 dated 01.9.2004.

Following the above, this writ petition is disposed of directing the respondent or any other Registering Officer, that the document presented by the petitioner may be considered for registration. Be it noted, if for any reason, the document presented is not registered, it is incumbent on the part of the Registering Officer to record and furnish reasons under Section 71 of the Act. No costs.

(**V.V.S.RAO,J**)

September 15, 2006.

YS